

Remarks:

The above amendments and these remarks are responsive to the Office action dated April 20, 2006.

Prior to entry of this Amendment, claims 1-14, 19-21, and 28-39 were pending in the application.

By this Amendment, Applicant has cancelled claims 20 and 28-31 without prejudice, and their content reserved for inclusion in a continuation/divisional application. Accordingly, with entry of the foregoing amendments, claims 1-14, 19, 21 and 32-39 are pending in the present application.

In this Office action, Examiner continues to provisionally reject claims 19-21 and 28-31, and 35-39 under the judicially created doctrine of obviousness type double patenting over claims 1-64 of co-pending US Patent Publication No. 2004/0163641A1 (identified as "Application No. 2004/0163641A1").

In particular, the Examiner asserts that "the use of 'valve' structure, which distinguishes apparatus claims from the apparatus claims of the co-pending application, is not clearly established in the method claims." Applicant respectfully disagrees. Applicant continues to assert that the present "provisional" obviousness type double patenting rejection is the only rejection remaining in the present application and that M.P.E.P. §804(I)(B) requires the Examiner to withdraw the "provisional" obviousness type double patenting rejection in this application. However, in the interest of furthering prosecution and expediting the issuance of a patent Applicant has amended claim 19 to include all of the limitations of objected to claim 20 and any intervening claims. Thus only claims 1, 19, and 32 remain as


independent claims, where all dependent claims depending from amended claim 19 are also believed to be allowable.

Therefore, Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, the Examiner is invited to contact the undersigned by telephone.

Favorable action by the Examiner is solicited.

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Respectfully submitted,
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